

Planning Commission Meeting July 11, 2018  
MINUTES OF PLANNING COMMISSION MEETING  
July 9, 2018

Pursuant to due call and notice thereof, a regular Planning Commission meeting was held at City Hall on the 9th day of July, 2018 at 6:30 PM

**THE FOLLOWING MEMBERS WERE PRESENT:** Commissioner Ferris, Commission Torkelson, Commissioner Tinsley and Commissioner Zelinske, Commissioner Burton and Commissioner Fitch and Commissioner Borgstrom. **THE FOLLOWING WERE ABSENT:** None

**THE FOLLOWING WERE ALSO PRESENT:** Administrator Theresa Coleman, City Clerk Rappe, Doug Buck, Jerry Struthers, Mike Koebele, Tyler Larson, Ron Eidem, Phil Johnson, Samantha Tripp, Matt Bradford, David Martin, George Bayrd, Jon Schuette, Amy Costello, Jared Sargent, Jerry Dallman, Matt Naatz, Tanae and Steve McMurchie, Jeff Patzke, Joe Groteboer, Bettie Fiscus, Ron Kasel, Jamie Finne, Tim O'Morro , Mary Theelke Poppler and Robert Brown

**CALL TO ORDER:** Commissioner Ferris called the meeting to order at 6:30 PM.

**MINUTES OF PREVIOUS PLANNING COMMISSION MEETING:** **Motion to Approve the June 11, 2018 minutes made by Commissioner Burton, second by Commissioner Zelinske with all voting Aye.**

**PUBLIC HEARING – KASEL ADDITION FINAL PLAT** – Administrator Coleman stated that the staff planning review in the packet lays out the things that could be in the resolution for the final plat.

Public Hearing Opened –

David Martin, Massey Land Surveying – stated that the Outlots would have to be in sequential order.

Mary Theelke Poppler - 1004 3<sup>rd</sup> St NE - She finds this illegal by creating landlocked parcels. She wanted to know if the City has gotten permission from the State of MN for this plat.

Joe Groteboer – 102 8<sup>th</sup> Ave NE - Do they have to mow these lots? Prairie grasses are allowed to grow.

Jeff Patzke 908 3<sup>rd</sup> St NE – will the zoning be changed or be maintained as residential. Administrator Coleman stated that these are Outlots. They are asking for clarity. Who will check on these lots and make sure that things are going the right way? He would be much more comfortable if ONLY the adjacent owner can purchase the property. They are looking for answers to their questions.

Ron Kasel – 912 3<sup>rd</sup> St. NE – Ron bought the land from Blaine and he put the property in his son John's name. Ron stated that these lots will not be land locked because he has access. He is getting himself out of a liability situation with respect to the property lines. Outlots not purchased will go to prairie grass.

Mary Theelke Poppler –She wants to know what the City Attorney has to say about this. Administrator Coleman stated that the City Attorney will review the final plat. Administrator Coleman read the staff recommendations and the deed restrictions that would be recorded with the final plat.

Public Hearing Closed

Commissioner Borgstrom – staff has done well; involving the City Attorney.

Commissioner Burton –Questions have been answered and he's ready to move forward.

Ms. Leth - she will review the language of the easements and whatever involvement requested.

Commissioner Torkelson – agrees with Commissioner Borgstrom. The City Engineer has been very thorough with this plat.

Commissioner Zelinske – Mr. Kasel has responded with everything the Planning Commission has asked for.

**Motion to Approve the Final Plat with the Stipulations from the Staff Planning Review and the Appropriate Lettering of the Outlots and City Attorney Review made by Commissioner Burton, second by Commissioner Borgstrom with all Voting Aye.**

**PUBLIC HEARING – HOME FEDERAL SAVINGS BANK – AMENDMENT TO FINAL PLAN**  
Administrator Coleman stated that the area is a planned unit development. This will be an amendment to the final plan and the conditional use permit will stay in place.

Public Hearing Opened  
No comments  
Public Hearing Closed

Discussion – Commissioner Borgstrom asked about parking. Administrator Coleman stated that the conditional use permit granting the planned unit development was in the packet.  
Commissioner Burton - read from the planned unit development ordinance stating that we can vary from the strict wording of the ordinance.  
Commission Tinsley – stated that when you are in a planned unit development you don't have to conform to the ordinance; it gives flexibility to vary from the ordinance.

**Motion by Commissioner Zelinske to Approve the Amendment to the Final Plan with the Included Comments from the Staff Planning Review, second by Commissioner Torkelson with all Voting Aye.**

**PUBLIC HEARING - TYLER LARSEN VARIANCE**

Administrator Coleman stated that Mr. Larsen is applying for a variance for the home he would like to build as the plans submitted.

Public Hearing Opened  
Mike Koebele, Big Sky Builders, wanted to know if there were any questions for him. He intends on putting the deck on right away.  
Public Hearing Closed

Commissioner Zelinske stated that he is in favor to keep the home consistent with the neighborhood.  
Commissioner Burton –he's more concerned with the aesthetics than the setback requirements.  
Administrator Coleman asked the Commissioners to answer the practical difficulties on the resolution.

**Motion to Approve the Variance Request of 8 feet on the Rear Yard Setback as Submitted with the answers to the Practical Difficulties: a) Yes, exceptional, unique or extraordinary circumstances were identified b)No, the proposed home fits with the character of the neighborhood c) No to all d) Yes e) The property is in a residential neighborhood f) Yes, exceptional, unique or extraordinary circumstances were identified, made by Commissioner Burton, second by Commissioner Zelinske with all voting Aye.**

**PUBLIC HEARING – CASEY'S RETAIL COMPANY – REZONE**

Administrator Coleman stated that Casey's has executed purchases agreements for most of the block south of Shopko and would like to rezone to C-2.

Public Hearing Opened

## Planning Commission Meeting July 11, 2018

Phil Johnson – 1602 15<sup>th</sup> St NE – owners of 7 of the 8 lots have accepted the offer from Casey's and Casey's has been very fair. People see this as a very favorable addition to the City and are asking him when this is going to happen. This is the only block on South Mantorville Ave that it not commercial at this time.

Jamie Finne – 401 1<sup>st</sup> Ave SW – she is directly to the west of the block being discussed. Ms. Finne is opposed to looking at the back of Casey's. Ms. Finne stated that some trees could be left there or a fence put up.

Mary Theelke Poppler – wanted to know if there is a safety consideration for the neighborhood.

Robert Brown – Mantorville – his mother owns one of the houses being purchased. He suggested looking around the neighborhood. Kasson is growing and this is a good idea for the rest of Kasson.

Jeff Patzke – He thought when Shopko came in the traffic would be bad but that is well managed.

Administrator Coleman - noted the City Engineer and PW Director reviewed the parking and traffic.

Amy Costello – Attorney for Casey's – as far as rezoning goes we have to look at whether this is in conformance to the goals and policies of the City. A new comprehensive plan has identified this area for commercial use. They feel comfortable that this is in conformance with the goals the City has set. Public Hearing closed

Discussion – Commissioner Borgstrom indicated that Jerry Struthers has reached out to him as a City Council Member and he made phone calls to Casey's on their behalf. He does not represent Struthers. Commissioner Zelinske – most of the citizens of Kasson put input into this comp plan and they have deemed it commercial. He thinks having a Casey's in town will be a plus.

Jerry Struthers - stated that Casey's didn't offer enough.

Commissioner Borgstrom - stated that they can't rezone the one residence and turn it into a non-conforming use.

Commissioner Burton – stated that he does think that the whole block needs to be rezoned.

Commissioner Zelinske - asked Ms. Costello if they would be willing to talk to Mr. Struthers again. She stated that they had made reasonable offers to all of the homeowners.

Chairman Ferris – He does not want to see Mr. Struthers on an island by himself.

**Motion made by Commissioner Burton to Rezone to C-2 the Entire Block, second by Commissioner Zelinske.** Further Discussion: Commissioner Fitch asked about the comment and conversations that happened with the Shopko rezone. Commissioner Borgstrom stated that the residential property on the Shopko block was never rezoned to commercial. Commissioner Tinsley – has a concern rezoning a property that is not on the agenda tonight. Commissioner Torkelson – there was an offer to Struthers. **Ayes: Burton, Fitch, Torkelson and Zelinske. Nays Ferris, Borgstrom and Tinsley. Motion Passed.**

### **PUBLIC HEARING – CASEY'S RETAIL COMPANY – CONDITIONAL USE PERMIT**

Administrator Coleman stated that we hope to work further with Casey's on the site plan. The Commission can add a buffer for the properties on the west.

Commissioner Burton stated that he is not comfortable approving a conditional use permit tonight and would like more information on many items. Commissioner Borgstrom also feels there are things to be worked out before a conditional use permit.

Public Hearing Opened

Jamie Finne – 401 1<sup>st</sup> Ave SW – she would like to see a nice fence or big trees. She believes that this will increase traffic in front of her house and suggests closing 1<sup>st</sup> St SW and making people go around. She believes that there needs to be something done about the traffic.

Planning Commission Meeting July 11, 2018

Jared Sargent – Real Estate Associate for Casey’s - George Bayrd, their realtor, had the direct contact with the property owners. He stated that they would receive any offer Mr. Struthers. The hours of operation are until 11 or 12 at night. Mr. Sargent indicated they would be in agreement with both trees and 6 foot privacy fence. Mr. Sargent stated that this location is the highest traffic count and the only available location that makes sense..

Jerry Struthers – 12 4<sup>th</sup> St SW – stated that Casey’s came back with one offer and never came back again.

Sargent stated that the price was so far off that they couldn’t come to an agreement.

Robert Brown – rezoning a residence has happened before, the zoning on the house next to Burger King was rezoned to commercial.

Tanae McMurchie - 905 7<sup>th</sup> St NW – She feels that Mr. Struthers had their chance and that is the same chance the rest of the properties had.

Amy Costello – Casey’s Attorney – Casey’s would be content on approvals being contingent as time is of a factor here. Ms. Costello went through the standards for granting a conditional use permit answering all of the standards.

Public Hearing Closed.

Commissioner Burton – asked about a street committee. Administrator Coleman stated she met with the Public Works Director and the City Engineer.

Commissioner Borgstrom - would like to table this.

Commissioner Burton – concerned with traffic.

Commissioner Tinsley – is concerned with meeting the standards of the conditional use permit and that specific one is 154.029(e)(2)(l) and that the one property is sitting out there like an island.

**Motion to Table the Conditional Use Permit until the August Planning Commission Meeting made by Commissioner Zelinske, Commissioner Borgstrom with all Voting Aye.**

**Other Business**

Planning Commission agreed to move the August Planning Commission meeting to August 6 at 6:30 pm to meet the 60 day rule for the Conditional Use Permit application.

Chairman Ferris sent the Commissioners information on the Wilker CUP and that he is not following the conditions from the permit. He would like to encourage him to bring his property into compliance.

Commissioner Borgstrom stated that we need to give him an opportunity to bring it into compliance before we consider revocation. Commissioner Fitch is concerned that there is no follow-up on conditional use permits to make sure that they are being checked up on. Commissioner Borgstrom stated that it has been on a complaint basis and brought to the zoning administrator.

**Motion to recommend the City Council direct the City Administrator write a letter to Mr. Wilker regarding the non-compliance of his 2010 Conditional Use Permit made by Commissioner Burton, second by Commissioner Fitch with All Voting Aye.**

ADJOURN 8:40PM

Respectfully Submitted,

---

Linda Rappe, City Clerk